

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

Springdale OK SPE LLC, et al.,

Plaintiff(s),

v.

Wehner Multifamily LLC, et al.,

Defendant(s).

Case No. CIV- 21-543-PRW

JANUARY 2023 TRIAL DOCKET

SCHEDULING ORDER

Date: 4/5/2022 Time: 9:20 to 9:35 Judge Patrick R. Wyrick Clerk: Kathy Spaulding

Appearing for Plaintiff(s):	<u>Seth Day</u>
Appearing for Defendant(s):	<u>Calvert McMahon</u>

☒ Jury Trial Demanded - ☐ Non-Jury Trial

THE FOLLOWING DEADLINES ARE SET BY THE COURT

NOTE: Except as otherwise specifically ordered by the assigned judge, this case will not be scheduled for a judicial settlement conference unless, not later than ten (10) days after the trial docket is published, the parties file a joint motion requesting a judicial settlement conference. The motion shall contain a certification by counsel that the parties have been advised of the motion and approve its filing. The motion shall further describe in detail the settlement efforts made and dispute resolution techniques previously used in the case.

1. Motions to join additional parties to be filed
30 days from date of this order.
2. Motions to amend pleadings to be filed
30 days from date of this order.
3. (a) Plaintiff to file a final list of expert witness(es)
in chief and submit expert reports to defendant by
11-01-2022.*
(b) Defendant to file a final list of expert witness(es)
in chief and submit expert reports to plaintiff by
11-11-2022.*
4. (a) Plaintiff to file a list of witnesses together with
addresses and brief summary of expected testimony
where witness has not already been deposed by
11-01-2022.*
(b) Defendant to file a final list of witnesses (as
Described above) by 11-11-2022.*
5. (a) Plaintiff to file a final exhibit list by 11-01-2022.
Defendant to file objections to the plaintiff's final
exhibit list, under Fed.R.Civ.P. 26(a)(3)(B), within
(14) fourteen days thereafter.
(b) Defendant to file exhibit list by 11-11-2022.
Plaintiff to file objections to the defendant's final
exhibit list, under Fed.R.Civ.P. 26(a)(3)(B), within
(14) fourteen days thereafter.
6. Discovery to be completed by 12-01-2022.
7. *Daubert* motions to be filed by 12-01-2022.
8. All dispositive motions to be filed by 11-01-2022.

If the deadline for dispositive motions or *Daubert* motions
precedes the discovery deadline, the parties are expected to
conduct any discovery necessary for such motions in advance
of the motion deadline.
9. Trial Docket: **JANUARY 2023** **

Trial dockets generally begin the second **Tuesday of
each month; however, this practice varies, particularly
during holidays. The published trial docket will
announce the trial setting.

The interval between the dispositive motion deadline (¶8) and the trial docket (¶9) is relatively inflexible.

An extension of time to file or respond to a dispositive motion will likely affect the trial setting.

10. Designation of deposition testimony to be used at trial to be filed by ~~12-23-2022~~ 12-16-2022

Objections and counter designations to be filed by ~~12-29-2022~~ 12-21-2022. Objections to counter-designations to be filed within seven (7) days thereafter.

11. Motions in limine to be filed by ~~12-23-2022~~ 12-16-2022.
[No replies to motions in limine shall be filed without leave of Court]

12. Requested voir dire to be filed by ~~12-23-2022~~ 12-16-2022

13. Trial briefs (optional unless otherwise ordered) to be filed by ~~12-23-2022~~ 12-16-2022

14. Requested jury instructions to be filed on or before ~~12-23-2022~~ *** 12-16-2022

15. Proposed findings and conclusions of law to be filed no later than ~~12-23-2022~~ *** 12-16-2022

***In addition to filing, the parties **ARE REQUIRED** to submit their proposed jury instructions or in non-jury cases the proposed findings and conclusions of law in **Word** format to the judge via the Court's designated mail box: wyrick-orders@okwd.uscourts.gov

16. Any objections or responses to the trial submissions referenced in ¶¶ 10, 11, 12, 13 or 14 to be filed within seven (7) days thereafter.

17. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (see Appendix IV), together with a proposed order approving the report, to be filed by ~~12-23-2022~~ 12-16-2022

18. This case is referred to ADR: ☐ Mediation, ☒ Judicial Settlement Conference
☒ by agreement of the parties, with approval of the Court (in July 2022)
☐ by Order of the Court

If the case is referred to mediation or some other form of private ADR, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, no later than _____.

(ADR information and forms are available on the court's website at www.okwd.uscourts.gov)

19. ☐ The parties consent to trial by Magistrate Judge.
20. ☐ Initial disclosure pursuant to Fed. R. Civ. P. 26 have been made;
☐ are excused; or ☐ shall be made not later than _____.
21. Other: _____

Dated this 5th day of April, 2022.

BY ORDER OF THE COURT
CARMELITA REEDER SHINN, CLERK

By: s/Kathy Spaulding
Deputy Clerk